

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NAGEL RICE LLP,

Plaintiff,

v.

ALLIED WORLD INSURANCE
COMPANY,

Defendant.

Civil Action No.:

NOTICE OF REMOVAL

TO: THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

PLEASE TAKE NOTICE that Defendant Allied World Insurance Company ("Allied World") hereby removes the above entitled action from the Superior Court of New Jersey, Essex County, to the United States District Court for the District of New Jersey, pursuant to 28 U.S.C. §§ 1332(a)(1), 1441, and 1446 and alleges as follows:

1. Plaintiff Nagel Rice LLP ("Plaintiff" or "Nagel Rice") brought this action against Allied World in the Superior Court of the State of New Jersey, Essex County, by filing a Complaint on May 6, 2016, which was docketed as case number L-3337-16 ("**Exhibit 1**").
2. Allied World first received a copy of the Complaint and Summons in this action on June 2, 2016.
3. The basis for removal is diversity of citizenship. Pursuant to 28 U.S.C. § 1332(a)(1), United States District Courts have jurisdiction over all actions where the matter in controversy is in excess of \$75,000, exclusive of interest and costs, and where the action is between citizens of different states. As explained more fully below, this is an insurance coverage action. Plaintiff is an insured under a policy issued by defendant Allied World, and

seeks coverage under the policy for a claim made against it by St. Louis, LLC. Allied World disputes that coverage is available for the claim. There is complete diversity of citizenship between Plaintiff, as a citizen of New Jersey, and Allied World, a citizen of New Hampshire and New York.

4. Based on the allegations of the Complaint, Nagel Rice is a limited liability partnership in New Jersey. Based on publicly available information from the New Jersey Secretary of State, Nagel Rice's website, PACER records of federal court filings, publicly available property records, traditional print media, electronic social media, and similar sources, Nagel Rice is a New Jersey partnership and the individual partners in the Nagel Rice partnership are all citizens of New Jersey. *See* Declaration of Mary E. Borja, filed herewith. Accordingly, Nagel Rice is a citizen of New Jersey.

5. Defendant Allied World is a corporation organized under the laws of New Hampshire with its principal place of business in New York. Accordingly, under 28 U.S.C. §1332(c)(1), defendant Allied World is a citizen of Illinois.

6. The matter in controversy exceeds \$75,000. In its Complaint, Nagel Rice seeks insurance coverage, including both indemnity and defense costs, for a legal malpractice claim in which Nagel Rice's client allegedly incurred millions of dollars in damages, plus interest and cost of suit.

7. Thus, the jurisdictional amount required under 28 U.S.C. § 1332 is satisfied.

8. Accordingly, jurisdiction over the subject matter of this case is conferred by 28 U.S.C. §§ 1332(a)(1) and 1441(a).

9. This Notice of Removal is timely. It has been filed with this Court within thirty (30) days of Allied World's receipt in "through service or otherwise, of a copy of the initial

pleadings setting forth the claim for relief upon which such action or proceeding is based,” as provided by 28 U.S.C. § 1446(b).

10. Pursuant to 28 U.S.C. § 1446(a), Allied World represents that apart from the Complaint and summons, it has received no other process, pleadings, motions or orders in this action.

11. Written notice of the filing of this Notice has been served upon Nagel Rice’s counsel as required by law.

12. A true copy of this Removal is being filed with the Clerk of the Superior Court of New Jersey, Law Division, Essex County, as required by law.

WHEREFORE, Defendant Allied World Insurance Company requests that this action be removed from the Superior Court of New Jersey, Law Division, Essex County, to the United States District Court for the District of New Jersey, and that the United States District Court for the District of New Jersey issue such orders and process that are necessary to preserve its jurisdiction over this matter.

DATED: June 29, 2016

Respectfully submitted,
Attorneys for Defendant Allied World
Insurance Company

BY: s/ Gerald T. Ford
Gerald T. Ford, Esq.
Elyse Schier, Esq.
**LANDMAN CORSI BALLAINE
& FORD P.C.**
One Gateway Center, Fourth Floor
Newark, NJ 07102
T: (973) 623-2700
F: (973) 623-4496
gford@lcbf.com
eschier@lcbf.com

Of Counsel:
Richard A. Simpson, Esq.
rsimpson@wileyrein.com
Mary E. Borja, Esq.

mborja@wileyrein.com
WILEY REIN LLP
1776 K Street NW
Washington, DC 20006
(202) 719-7000
(202) 710-7049 (fax)

CERTIFICATE OF SERVICE

I certify that on June 29, 2016, I caused to be served by U.S. mail the foregoing Notice of

Removal upon the following:

Jay J. Rice
Nagel Rice, LLP
103 Eisenhower Pkwy.
Roseland, NJ 07068

Counsel for Nagel Rice, LLP

By: s/ Gerald T. Ford
Gerald T. Ford, Esq.
Landman Corsi Ballaine & Ford P.C.
One Gateway Center
4th Floor
Newark, New Jersey 07102
Telephone: (973) 623-2700
Facsimile: (973) 623-2700
Email: gtford@lcbf.com

*Counsel for Defendant
Allied World Insurance Company*